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December 31, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of R. Singh, H. Pham, D. Wilson, and R. Thomas

Application No. 10/826,592

Filed April 16, 2004

Examiner: NYA

Group Art Unit: NYA

AZEOTROPE-LIKE COMPOSITIONS OF  
TETRAFLUOROPROPENE AND TRIFLUOROIODOMETHANE

(Attorney Docket No. H0007522)

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any other papers indicated as being enclosed, is being deposited with the United States Postal Services, as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 31, 2004.

Joseph F. Posillico

Mail Stop:  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL PURSUANT TO 37 C.F.R. § 1.102(D)

Sir:

It is requested respectfully that examination of the above-identified application be expedited pursuant to 37 C.F.R. § 1.102(d).

The basis for the request is that a search has been conducted in accordance with 37 C.F.R. § 1.102(d) and that all other requirements for the grant of this request are present, as detailed below.

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**AGREEMENT TO RESTRICTION**

Applicants, by and through their undersigned representative, hereby agree to make an election, without traverse, under current telephone restriction practice.

**SEARCH DIRECTED TO INVENTION AS CLAIMED**

The present invention is directed to azeotrope-like compositions comprising 1,1,1,2-tetrafluoropene and trifluoroiodomethane, and to uses thereof and methods of using such compositions.

A search has been conducted of all issued U.S. patents in all U.S. classes, using the United States Patent Office web site search engine over the entire data base, as described in detail below.

The following search strategies were employed and yielded no patents:

1 – patents which mention, anywhere in the text, both tetrafluoropene and trifluoroiodomethane;

2 - patents which mention, anywhere in the text, both fluoropene and fluoroiodomethane;

3 - patents which mention, anywhere in the text, both fluoropene and CF<sub>3</sub>I; and

4 - patents which mention, anywhere in the text, both fluoropene and azeotrope.

In addition to the above, a search for all patents which mention,

anywhere in the text, both fluoroiodomethane and azeotrope yielded eight patents. Reproduced below is the results page from the search:

*Searching 1790 to present...*

**Results of Search in 1790 to present db for:**  
**(fluoroiodomethane AND azeotrope): 8 patents.**  
*Hits 1 through 8 out of 8*

Jump To:

Refine Search		fluoroiodomethane and azeotrope
PAT. NO.	Title	
1 <u>5,716,549</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
2 <u>5,695,688</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
3 <u>5,685,915</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
4 <u>5,674,451</u>	T <u>Methods and compositions for sterilization of articles</u>	
5 <u>5,611,210</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
6 <u>5,605,647</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
7 <u>5,562,861</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	
8 <u>5,444,102</u>	T <u>Fluoroiodocarbon blends as CFC and halon replacements</u>	

A copy of each of the patents identified above is enclosed. A form PTO-1449 (Modified) identifying each of the patents listed above is also enclosed.

It is requested respectfully that each item be made of record and considered with respect to the above-referenced patent application. The Examiner is requested to indicate that each item has been considered by

initialing and dating the enclosed form PTO-1449 (Modified) and returning a copy of same to the undersigned.

This Petition and the attached PTO-1449 Form are being filed before a first Office Action on the merits. Identification of information on the attached Form, or in this statement, is not an admission that such information is prior art to the invention claimed in the present application or that such information is in an analogous art area.

#### **PATENTABILITY IN VIEW OF THE SEARCH RESULTS**

The subject matter of the present invention is patentable over all of the items identified in the search. No patent was found which mentions or even suggests azeotrope like compositions comprising tetrafluoropene and trifluoroiodomethane. Furthermore, while azeotropic compositions comprising fluoroiodocarbons are mentioned in the eight patents identified above, there is no suggestion in any of these patents of any composition comprising tetrafluoropene and trifluoroiodomethane, much less an azeotrope-like compositions comprising these components. The claimed subject matter is therefore patentable over the patents identified by the search described herein.

#### **PAYMENT OF FEE UNDER 37 U.S.C. § 1.17(h)**

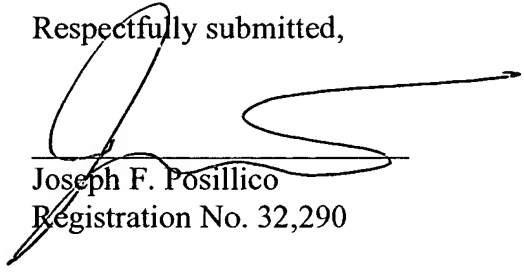
Enclosed herewith is a credit card authorization form for the amount of \$130.00 to cover the fee pursuant to 37 U.S.C. § 1.17(h). The Commissioner is authorized hereby to charge any fees or credit any overpayment associated with

Group Art Unit: NYA  
Application No. 10/826,592

December 31, 2004  
Docket No. P27,678 USA

this Statement (copy enclosed) to Deposit Account Number 19-5425.

Respectfully submitted,



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